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**From:** Hurlid, Kathy [Hurlid.Kathy@epa.gov]  
**Sent:** 4/20/2017 5:44:00 PM  
**To:** Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; McDavit, Michael W. [Mcdavit.Michael@epa.gov]  
**Subject:** Fw: Materials for Sarah  
**Attachments:** Agenda\_Assumable\_Waters\_April2017v2.docx; AWShubcommitteeFinalDraftReport4-16.pdf

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From: Pat Field <pfield@cbuilding.org>  
Sent: Sunday, April 16, 2017 8:27 AM  
To: Strickler, Jacob; Hurlid, Kathy; McDavit, Michael W.  
Cc: Pat Field  
Subject: Materials for tomorrow's call

All

Good morning. Please find attached or just below the revised draft final report in PDF, the agenda for the call tomorrow at 2 PM, and a listing of the key sections and pages to discuss.

- \* Please note that in the PDF I have made explicit all changes, including even copy editing, in redline (which appears as such in the PDF).
- \* Where I deleted language, I left the deletion notation in the comment column so you can see it.
- \* Pay most attention to the "Comments" on the side which are the most important issues to discuss
- \* I added a TOC and draft Cover Page, but also started the pagination as P1 for the Executive Summary to try and be somewhat consistent with the last draft (however, given the redline, pages won't track exactly unfortunately, but are not too far off).
- \* Comments by a party are noted as such at beginning of comment. If there's no reference, it's my comment

Listed just below are the comments to go through as I have identified them. While we will go through each of these, they vary from precision of language, to greater clarity or brevity, to substantive issues. I have bolded the comments that I think are more substantive or new that we need to discuss and revise or affirm. Looking forward to a productive and efficient call tomorrow.

- Section 2a, p6 and 3b, p15: use of navigable"
- Section 2b, p7: reference to consultation and EPA comment
- Section 2c, p8: reference to "high tide mark" and NJ
- Section 2h, p8-9: role or EPA in recommendations
- Section 4b, p16: when in the process are we referring to?
- Section 4b, p17: "future condition of a water body" meaning
- Section 5a, p21: simplification made by EPA
- Section 5a, p23: river mile argument and patchwork issue
- Section 5a, p23 & Exec Summary Section 41, p2: precision in uncertainty around CWA or TNWs
- Section 6, p25: change in "name" of the alternative recommended by the USACE
- Section 6c, p27: "high tide mark"
- Section 6c, p27, Section 6cii, p29, Section 7a, p30, Section 7a, p32: CWA versus navigability arguments for boundary
- Section 6cii, p28: separation issue and "collapse of of two alternatives"
- Section 6ciii, p29: use of "placement" or "discharge", which occurs in several places
- Section 7a, p31: NJ example question
- Section 7a, p31: addition of "primarily"
- Section 8, p36: Confirm support of all for these recommendations
- Section 8d, p37: delete "many states would assume"

- Appendix Bb, p46: clarification of NJ program and administration of 1000 foot boundary

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